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TO: ART UNIT 3721 BEFORE FINAL
COMMUNICATIONS

FROM: Roger J. French
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COMPANY: U.S. PATENT &
TRADEMARK OFFICE

DATE: March 9, 2005

FAX NUMBER: 703-872-9306

TOTAL NO. OF PAGES INCLUDING
COVER: 4

PHONE NUMBER: 571-272-4464

RE:

Application Serial No. 10/653,038
Atty Docket No. 13819.71

NOTES/COMMENTS:

Application Serial No: 10/653,038

Title of Invention: Carriage Strip Advancing Mechanism For
Fastener Driving Tool

Inventors: Michael S. POPOVICH et al.

Contents:

Transmittal Form (1 pg)

Request for Clarification (2 pgs)

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PTO/SB/21 (09-04)

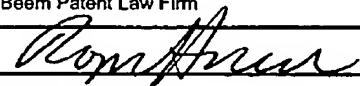
Approved for use through 07/31/2006. OMB 0651-0031

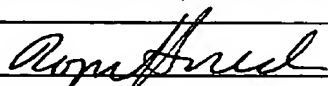
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| | | | |
|---|----------------------|-----------------------------|-------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 10/653,038 | |
| | Filing Date | August 29, 2003 | |
| | First Named Inventor | Michael S. Popovich, et al. | |
| | Art Unit | 3721 | |
| | Examiner Name | Michelle Lopez | |
| Total Number of Pages in This Submission | 4 | Attorney Docket Number | 13821 |

| ENCLOSURES (Check all that apply) | | |
|---|--|--|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Facsimile Transmittal Form Request for Clarification |
| Remarks | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | | |
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| Firm Name | Beem Patent Law Firm | | |
| Signature |  | | |
| Printed name | Roger J. French | | |
| Date | March 9, 2005 | Reg. No. | 27,786 |

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| Signature |  | | |
| Typed or printed name | Roger J. French | Date | March 9, 2005 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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RECEIVED
CENTRAL FAX CENTER**MAR 09 2005****PATENT**
ATTY DOCKET NO. 13819.71**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventors: Michael S. Popovich et al.)

Title: Cartridge Strip Advancing)
Mechanism For Fastener)
Driving Tool)

Serial No: 10/653,038)

Confirm. No: 1541)

Filing Date: August 29, 2003)

Group: 3721)

Examiner: Michelle Lopez**Certificate of Transmission**I hereby certify that this correspondence is being facsimile
transmitted to the United States Patent and Trademark Office, fax
number 703-872-9306 on the date indicated below.Signed: )

Roger J. French

Dated: March 9, 2005

703-872-9306

United States Patent and Trademark Office

P.O. Box 1450

Alexandria, VA 22313-1450

REQUEST FOR CLARIFICATION

Applicant requests clarification of the Office action mailed 02/24/2005.

Specifically, clarification is requested regarding the nonstatutory double patenting rejection under the judicially created doctrine of obviousness-type double patenting. In this rejection, the Examiner cites claims of U.S. patent number 6,547,120 "in view of Popovich et al." It is not clear to Applicant, to what document the Examiner is referring as "Popovich et al. Nor does the Examiner mention "Popovich et al." in the remainder of the statement of rejection. It is noted that at least two references of record appear as "Popovich et al.", namely, U.S. patent number 6,059,162 and European patent 1,197,301.

In addition, the Examiner cites in the statement of rejection claims 1-3, 5, 11-14 and 17-18 of U.S. patent number 6,547,120. However, the statement of the grounds of rejection which follow refer only to claim 1 of this patent.

S/N 10/653,038
AMENDMENT

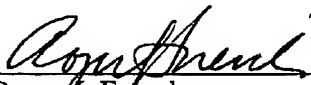
ATTY DOCKET NO. 13819.71

It is respectfully requested that the Examiner clarify a) what document is being referred to as "Popovich et al.", b) in what manner this document is being applied in the double patenting rejection, and c) in what manner claims 3, 5, 11-14 and 17-18 of US patent number 6,547,120 are being applied in the double patenting rejection.

It is further requested that the Examiner issue a new office action clarifying the foregoing, and starting a new period for response.

Respectfully submitted,

Dated this 9th day of March, 2005.


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